

REMARKS

The Rejection under 35 U.S.C. §103

The sole rejection herein of claims 1, 12, 13 and 15-17 under 35 U.S.C. §103, as being obvious over Michel (EP 2015229.4) is respectfully traversed.

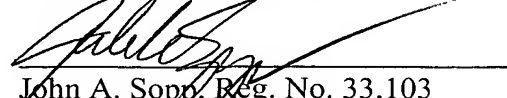
Michel was published on June 15, 2005. The corresponding WO publication was published on January 15, 2004, and no corresponding application in this family was published earlier than January 15, 2004. See the attached INPADOC print-out. The instant application has an effective US filing date as of the PCT International filing of August 1, 2003. Michel and all of its corresponding applications were published after applicants' effective US filing date and, thus, are not prior art against the instant application.

It is noted that there is a corresponding US application to Michel (Ser. No. 10/520,362; US Pub. No. 2005/0256318). This application was also published after applicants' effective US filing date but was filed on July 9, 2003, and thus has a 35 U.S.C. §102(e) date. In view thereof, applicants file herewith a verified translation of their priority document. A certified copy of the underlying priority document has already been filed. Upon the PTO confirming that the priority document supports the instant claims, applicants will have perfected their claim to priority based on this document for an effective filing date of August 27, 2002. Thus, the 102(e) date of the Michel US application would also be antedated.

For all of the above reasons, it is urged that Michel is not prior art to the instant application and the rejection under 35 U.S.C. §103 based thereon should be withdrawn.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

Respectfully submitted,


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Attorney Docket No.: MERCK-2979
Date: March 29, 2007

JAS/cak

Family list

12 family members for: **US2005256318**

Derived from 12 applications

[Back to US200](#)

- 1 PROCESS FOR THE PREPARATION OF N-MONOSUBSTITUTED Beta-AMINO ALCOHOLS**
Inventor: MICHEL DOMINIQUE **Applicant:** LONZA AG
EC: C07C213/00; C07C221/00; (+3) **IPC:** C07D333/58; C07C213/00; C07C215/08 (+14)
Publication info: **AU2003250924 A1** - 2004-01-23
- 2 PROCESS FOR THE PREPARATION OF N-MONOSUBSTITUTED beta-AMINO ALCOHOLS**
Inventor: MICHEL DOMINIQUE **Applicant:** LONZA AG (CH)
EC: C07C213/00; C07C221/00; (+3) **IPC:** C07D333/58; C07C213/00; C07C215/08 (+14)
Publication info: **BR0312651 A** - 2005-04-26
- 3 PROCESS FOR THE PREPARATION OF N-MONOSUBSTITUTED .BETA.-AMINO ALCOHOLS**
Inventor: MICHEL DOMINIQUE (CH) **Applicant:** LONZA AG (CH)
EC: C07C213/00; C07C221/00; (+3) **IPC:** C07D333/58; C07C213/00; C07C215/08 (+14)
Publication info: **CA2491472 A1** - 2004-01-15
- 4 Process for the preparation of i n /i -monosubstituted beta-amino alcohols**
Inventor: DOMINIQUE MICHEL (CH) **Applicant:** LONZA AG (CH)
EC: C07C213/00; C07C221/00; (+3) **IPC:** C07D333/58; C07C213/00; C07C215/08 (+14)
Publication info: **CN1665773 A** - 2005-09-07
- 5 PROCESS FOR THE PREPARATION OF N-MONOSUBSTITUTED beta-AMINO ALCOHOLS**
Inventor: **Applicant:**
EC: C07C213/00; C07C221/00; (+3) **IPC:** C07C221/00; C07D333/58; C07C213/00 (+11)
Publication info: **CN1891683 A** - 2007-01-10
- 6 PROCESS FOR THE PREPARATION OF N -MONOSUBSTITUTED BETA-AMINO ALCOHOLS**
Inventor: MICHEL DOMINIQUE (CH) **Applicant:** LONZA AG (CH)
EC: C07D307/46 **IPC:** C07C213/08; C07C221/00; C07C225/12 (+13)
Publication info: **EP1539673 A1** - 2005-06-15
- 7 No title available**
Inventor: **Applicant:**
EC: **IPC:**
Publication info: **IL166107D D0** - 2006-01-15
- 8 PROCESS FOR THE PREPARATION OF N-MONOSUBSTITUTED beta-AMINO ALCOHOLS**
Inventor: **Applicant:**
EC: C07C213/00; C07C221/00; (+3) **IPC:** C07D333/58; C07C213/00; C07C215/08 (+14)
Publication info: **JP2005532383T T** - 2005-10-27
- 9 PROCESS FOR THE PREPARATION OF N-MONOSUBSTITUTED beta-AMINO ALCOHOLS**
Inventor: MICHEL DOMINIQUE (CH) **Applicant:** LONZA AG (CH)
EC: C07C213/00; C07C221/00; (+3) **IPC:** C07D333/58; C07C213/00; C07C215/08 (+11)
Publication info: **NO20050079 A** - 2005-03-11
- 10 Process for the preparation of N-monosubstituted beta-amino alcohols**
Inventor: MICHEL DOMINIQUE **Applicant:** LONZA AG

EC: C07C213/00; C07C221/00; (+3)**IPC:** C07D333/58; C07C213/00; C07C215/08
(+18)**Publication info:** NZ537567 A - 2006-11-30**11 Process for the preparation of n-monosubstituted beta-amino alcohols****Inventor:** MICHEL DOMINIQUE (CH)**Applicant:****EC:** C07D307/46**IPC:** C07C213/08; C07C221/00; C07C225/12
(+10)**Publication info:** US2005256318 A1 - 2005-11-17**12 PROCESS FOR THE PREPARATION OF N-MONOSUBSTITUTED beta-AMINO ALCOHOLS****Inventor:** MICHEL DOMINIQUE (CH)**Applicant:** LONZA AG (CH); MICHEL DOMINIQUE
(CH)**EC:** C07C213/00; C07C221/00; (+3)**IPC:** C07D333/58; C07C213/00; C07C215/08
(+14)**Publication info:** WO2004005239 A1 - 2004-01-15

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